

FRANCONIA TOWNSHIP

ORDINANCE # 392

AN ORDINANCE AMENDING CHAPTER 122 (SUBDIVISION AND LAND DEVELOPMENT) OF THE FRANCONIA TOWNSHIP CODE TO REQUIRE THE DEDICATION OF LAND SUITABLE FOR PARK AND RECREATIONAL USE OR PAYMENT OF FEES IN LIEU THEREOF AS A CONDITION OF FINAL PLAN APPROVAL

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NOW THEREFORE IT IS HEREBY ENACTED AND ORDAINED by the Franconia Township Board of Supervisors that the Franconia Township Code shall be amended as follows:

SECTION 1. Adoption of Chapter 122, Article XI

Chapter 122 (Subdivision and Land Development) of the Franconia Township Code is hereby amended to include Article XI which shall read as follows:

Article XI. Dedication of Land Suitable for Park and Recreational Use or Payment of Fees in Lieu Thereof

§ 122-108. Dedication of land.

The applicant shall dedicate land suitable for park or recreational use to the Township, unless one of the alternatives set forth in § 122-111 is agreed to by the Township and the applicant. The land shall be dedicated to the Township as a condition of final plan approval, and no lots shall be sold or built upon until and unless the actual transfer of title has been completed or guaranteed to the satisfaction of the Board. The requirements of this chapter shall be in addition to any other Township requirements for dedication of open space.

§ 122-109. Amount and location of the land to be dedicated.

The amount and location of land to be dedication to the Township shall be 10% of the total lot area of a proposed subdivision or land development.

A. The land dedicated to the Township for park and recreation purposes need not be a part of the land development or subdivision. It may be located on a separate parcel of land, provided that, in the sole discretion of the Board of Supervisors, it

is convenient to the future inhabitants of the subdivision or land development. In addition, the applicant, with the approval of the Township, may dedicate land or construct park and recreation facilities at Township facilities, a public school situated within the Township, or the facilities of another developer to satisfy the requirements of this section.

B. No more than 25% of the minimum land area required for park and recreation land may consist of floodplain areas, wetlands, or areas with slopes in excess of 8%. Floodplains, wetlands, and steep slopes may not be used for active recreation.

C. The minimum land area required for park and recreation shall not include land designed for retention/detention basins in connection with required stormwater management nor contain fuel, power or other transmission lines, whether underground or overhead.

D. The land to be dedicated must be suitable for active or passive recreation by reason of its size, shape, location, and topography and shall be provided with safe and direct access, either by adjoining public road frontage or public easements, which shall be no less than 25 feet in width.

E. Areas shall comprise a single parcel of land except where the Board shall determine that two or more parcels would be in the public interest.

F. The area dedicated may not be used in calculating density.

§ 122-110. Acceptance of dedication.

When land is dedicated, acceptance by the Township shall be by means of a signed resolution to which a property description of the dedicated recreational area shall be attached. All changes and agreements shall eventually be listed directly on the signed final plans. A fee simple warranty deed conveying the property shall be delivered to the Township with title free and clear of all liens and encumbrances except for public utility easements. In no event shall the Township be required to accept dedication of park and recreational areas.

§ 122-111. Alternatives to dedication of land.

A. Fee in lieu of dedication.

- (1) The Board of Supervisors and the applicant may agree to the payment of a fee in lieu of dedication of land.
- (2) Where the Board and the applicant agree that a fee is to be contributed in lieu of the dedication of land, the amount shall be \$2,000 per dwelling unit and \$0.50 a square foot for nonresidential development or use up to 10,000 square feet and \$0.25 a square foot over 10,000 square feet.
- (3) Any fee in lieu of dedication which is collected by the Township shall be used only for the purpose of providing park and recreational facilities within the Township.
- (4) A fee authorized under this subsection shall, upon its receipt by the Township, be deposited in an interest-bearing account, designated as the Township Park and Recreation Fund. Interest earned on such accounts shall become funds of that account. Funds from such accounts shall be expended only on the design, construction, operation, maintenance, or acquisition of specific recreation facilities approved by the Board of Supervisors.
- (5) Upon request of any person who paid fees under this subsection, the Township shall refund such fee, plus interest accumulated thereon from the date of payment, if the Township has used the fee paid for a purpose other than the purposes set forth in this section.

§ 122-112. Use of land and fees.

Any land dedicated to the Township shall be used only for the purpose of providing park and recreational facilities. The types of recreational facilities shall be designed and constructed as provided in the Township Park and Recreation Plan and be deemed to include but not be limited to:

- A. Playground equipment and surfaces.
- B. Playfields (baseball fields, football fields, soccer fields or the like, designed for active recreation).
- C. Tennis courts.

- D. Tot lots (small playgrounds especially designed for young children).
- E. Basketball courts.
- F. Paddle tennis courts.
- G. Jogging paths with exercise stations.
- H. Bicycle and walking trails.
- I. Parking lot facilities.
- J. Utility services (electric, water fountains and toilet facilities).
- K. Landscaping, earth shaping and plant materials.
- L. Picnic facilities and benches.
- M. Swimming pools.
- N. Lighting facilities related to park and recreation facilities.

§ 122-113. Combination of land and facilities and fee.

A. Where the applicant and the Township agree, the applicant may utilize any combination of the aforementioned techniques to satisfy the applicant's park and recreation obligation.

B. Credit for the cost of construction of any park and recreation facility shall be subject to the review and approval of the Township Engineer as determined by prevailing costs for labor, structures and materials associated with the facility.

C. All construction by applicant must comply with all ordinances and Township requirements.

§ 122-114. Park and Recreation Plan.

The Board of Supervisors shall adopt a formal Park and Recreation Plan for Franconia Township by resolution. Future park and recreational facilities proposed within the Township shall be in accordance with principles and standards contained in the plan. The plan may be amended from time to time by resolution of the Board of Supervisors.

SECTION 2. Repeal and Ratification.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the ordinances of the Township that are unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 3. Severability.

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 4. Effective Date.

This Ordinance shall become effective five (5) days after enactment.

DULY ENACTED AND ORDAINED this 20th day of JUNE, 2016,
by the Board of Supervisors of Franconia Township, Montgomery County,
Pennsylvania, in lawful session duly assembled.

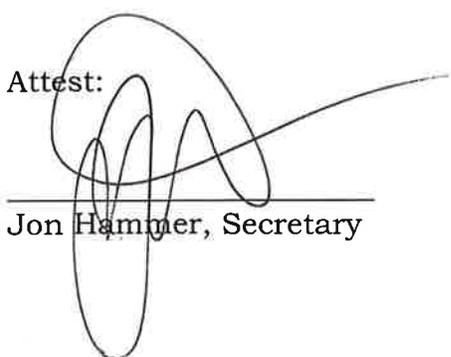
FRANCONIA TOWNSHIP
BOARD OF SUPERVISORS



Grey R. Godshall, Chairman

(Township Seal)

Attest:



Jon Hammer, Secretary